

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

AUBREY DEXTER BRYANT)
)
Plaintiff,)
)
v.) No. 09-cv-2407-JPM-cgc
)
WALGREENS,)
)
Defendant.)

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
ORDER OF DISMISSAL**

Before the Court is the Magistrate Judge's Report and Recommendation ("R & R"), entered on February 24, 2010. (Docket Entry ("D.E.") 17.) In the R & R, the Magistrate Judge recommended that Plaintiff's complaint be dismissed for failure to prosecute. The Court agrees.

Plaintiff has ignored the Court's orders and has failed to participate in discovery. As noted by the Magistrate Judge, Plaintiff failed to appear at (1) the September 8, 2009 scheduling conference and (2) the January 22, 2010 hearing on Defendant's motion to compel. (See D.E. 17 at 2.) Plaintiff's failure to participate led to the Magistrate Judge entering an Order to Show Cause directing Plaintiff to show cause why this case should not be dismissed for failure to prosecute. (See D.E. 16.) Plaintiff's response to the show cause order was due

on February 19, 2010. To date, Plaintiff has failed to respond to the show cause order. Moreover, Plaintiff has failed to file objections to the Magistrate Judge's R & R within the allowable time period.¹ Accordingly, this case is DISMISSED WITHOUT PREJUDICE for failure to prosecute.

SO ORDERED this 15th day of March, 2010.

/s/ JON PHIPPS MCCALLA
CHIEF UNITED STATES DISTRICT JUDGE

¹ Plaintiff's objections to the R & R were due on March 11, 2010. See 28 U.S.C. § 636(b)(1)(C).